- 1		
1	David J. Feldman, Esq. Nevada Bar No. 5947	
2	FELDMAN GRAF, P.C. 8845 West Flamingo Rd., Suite 110	
3	Las Vegas, Nevada 89147 Telephone: (702) 949-5096	
4	Facsimile: (702) 949-5097 dfeldman@feldmangraf.com	,
5	Attorneys for Defendant Mid-Century Insurance Company	
6		S DISTRICT COURT
7		OF NEVADA
8	KYLE MILLETT, individually,) Case No.:
9	Plaintiff,) District Court Case No. A-16-741242-C
10) District Court Case No. A-10-741242-C
11	VS.	
12	MID-CENTURY INSURANCE COMPANY; DOES I through X; and ROE CORPORATIONS I through X, inclusive,	
13 14	Defendants.)
15	PETITION FO	OR REMOVAL
16	TO: THE CLERK OF THE UNITED SOUTHERN DISTRICT OF NE	D STATES DISTRICT COURT FOR THE EVADA:
17	PLEASE TAKE NOTICE that Defenda	dant/Petitioner, Mid-Century Insurance Company
18	(hereinafter "MIC"), and through its attorneys, Fe	Feldman Graf, P.C., hereby removes the State action
19	described herein to Federal Court. The grounds	ls for removal are as follows:
20	1. On August 5, 2016, an action was	as commenced in the Eighth Judicial District Court,
21	Clark County, Nevada, entitled "Kyle Millett, in	individually v. Mid-Century Insurance Company;
22 23	DOES I through X; and ROE CORPORATIONS	SI through X, inclusive, Case No. A-16-741242-C.
	2. A copy of all process, pleadings ar	and orders served upon Defendant MIC in the State
Court action are attached hereto as Exhibit 1 .		
25 26	3. This Petition is filed timely pursu	suant to 28 U.S.C. §1446(b).
20 27	4. This action is a civil action of whi	hich this Court has diversity jurisdiction under the
2 /	provisions of 28 U.S.C. §1332 and 28 U.S.C. §	§2201, and is one which may be removed to this

Court by Petitioner pursuant to the provisions of 28 U.S.C. §1441(b).

- 5. There is a diversity of citizenship between Plaintiff and Defendant. Defendant MIC is informed and believes that Plaintiff, Kyle Millett was and still is a citizen of the State of Nevada. Defendant MIC was at the time of the filing of this action, and still is a corporation incorporated in the State of California.
- 6. The matter in controversy exceeds \$75,000.00. Plaintiff seeks medical expenses in excess of \$10,000.00, and as set forth in ¶ 19 of Plaintiff's Complaint, Plaintiff alleges that "Based on the extent of injuries and damages and the liability of Tamara Craig, Plaintiff was awarded a judgment for the amount of \$383,302.68." Plaintiff in his Complaint further seeks damages in the amount of \$383,302.68 for Breach of Contract/Bad Faith; Violation of the Unfair Claims Practices Act; Tortious Breach of Covenant of Good Faith and Fair Dealing; and punitive damages. Given Plaintiff's claims against this national insurance company, it is clear that Plaintiff is seeking general and punitive damages in excess of \$75,000.00. See Complaint (Exhibit 2).
- 7. Defendant MIC was served through the Nevada Division of Insurance on September 8, 2016. (See Exhibit 1).
- 8. Pursuant to 28 U.S.C. §1446, a copy of this Petition for Removal is being filed with the Clerk of the Eighth Judicial District Court, Clark County, Nevada, and is further served on all parties hereto.
- 9. Defendant MIC will also timely file a Notice of Removed Action in the Eighth Judicial District Court, Clark County, Nevada, a true and correct copy of which is attached as **Exhibit 3**, 28 U.S.C. § 1446(d).

JURY DEMAND

Defendant Mid-Century Insurance Company demands a trial by jury on all issues appropriate for jury determination.

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1	WHEREFORE, Defendant Mid-Century Insurance Company hereby removes the State	
2	action now pending against it in the Eighth Judicial District Court, Clark County, Nevada, Case	
3	No. A-16-741242-C, to this Court.	
4	DATED this 5 th day of October, 2016.	
5	FELDMAN GRAF, P.C.	
6		
7	By:	
8	David J. Feldman, Esq. Nevada Bar No. 5947	
9	8845 West Flamingo Rd., Suite 110 Las Vegas, Nevada 89147	
10	Telephone: (702) 949-5096 Facsimile: (702) 949-5097	
11	dfeldman@feldmangraf.com Attorneys for Defendant	
12	Mid-Century Insurance Company	
13	CERTIFICATE OF MAILING	
14	I, the undersigned, hereby certify that on the of October, 2016, I mailed a true and	
15	correct copy of the foregoing PETITION FOR REMOVAL in a sealed envelope with First Class	
16	postage fully prepaid, addressed to the following:	
17		
18	Brian P. Clark, Esq. Lukas B. McCourt, Esq.	
19		
20	Las Vegas, NV 89128 Telephone: (702) 474-0065	
21	Facsimile: (702) 474-00681 <u>bpc@clarkmccourt.com</u>	
22	Attorneys for Plaintiff	
23	Kyle Millett	
24	Chin Marine	
25	An Employee of FELDMAN GRAF, P.C.	
26		
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